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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.2616 OF 2004

Ninad Co-op. Hsg. Society Ltd.).. Petitioner

Versus

Vijay S. Giri and another).. Respondents

Mr.S.N. Chandrachud for the Petitioner.

Mr.Rahul Kulkarni i/b.Dr.V.K. Chowdhary for Respondent No.1.

CORAM : SMT. NISHITA MHATRE, J.
DATED : 3RD MARCH 2006

P.C.:

. The Petitioner challenges the order passed by the authority rejecting the Revision filed by the Petitioner Society. It has been rejected since there was a delay of approximately three years in filing the Revision. An application for condoning the delay was filed along with the Revision Application. Various grounds have been set out in that application including that the Secretary, who was looking after the day to day functioning of the Society, was transferred from Pune to Baramati. The Secretary also met with an accident after retirement. Various other grounds have been set out in the Revision Application, which, in my view, do make out a case for condoning the delay. The learned Advocate for the Petitioner relies on the judgments in the case of *Shakuntala Devi Jain* vs. *Kuntal Kumari and others*, **AIR 1969 SC 575**, *Collector, Land Acquisition, Anantnag*

and another vs. *Mst.Katiji and others*, **AIR 1987 SC 1353**, *G.Ramegowda, Major etc.* vs. *The Special Land Acquisition Officer, Bangalore*, **AIR 1988 SC 897** and *Apangshu Mohan Lodh and others* vs. *State of Tripura and others*, **(2004) 1 SCC 119**, in support of his submission that the delay should be condoned as grave prejudice would be caused to the Petitioner. Furthermore, he submits that the application condoning the delay should be construed liberally and in the circumstances of the case, the application ought to be allowed.

2. Heard Advocates.

3. In my view, the application for condoning the delay should be allowed as sufficient cause has been made out by the Petitioner Society. However, there is a delay of approximately three years which should not be condoned lightly.

4. The application for delay is, therefore, allowed on the Petitioner Society paying costs of Rs.5,000/- (Rupees Five thousand only) to the Respondent.

5. The Divisional Joint Registrar, Co-operative Societies, Pune, shall hear and decide the Revision Application on merits within six months from today.

6. Writ Petition disposed of accordingly.

7. Certified copy expedited.